

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TAYR KILAAB AL GHASHIYAH (KAHN)
formerly known as JOHN CASTEEL,

Plaintiff,

v.

Case No. 01-C-10

**WISCONSIN DEPARTMENT OF
CORRECTIONS, JON E. LITSCHER,
DANIEL BERTRAND, MICHAEL BAENEN,
KENNETH MORGAN, CHRISTOPHER ELLERD,
JUDY SMITH, GARY MCCAUHTRY,
GENE DOBBERSTEIN, and PHILLIP MACHT,**

Defendants.

ORDER

Plaintiff, Tayr Kilaab al Ghashiyah, formerly known as John Casteel, a Wisconsin state prisoner, filed this pro se civil rights actions pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. §2000cc-1(a) et seq., against the Wisconsin Department of Corrections and several corrections officials. Two non-dispositive motions are pending before me, which I will address herein.

Pursuant to a pretrial conference held by the court on April 13, 2005, the court directed plaintiff to submit a statement explaining his damages claims by April 27, 2005. On April 18, 2005, plaintiff filed the requested statement, and on April 21, 2005, he filed a "Motion to Supplement" his statement to include two "supplemental damages claims."

The file reveals that defendants were served with a copy of plaintiff's motion. To date, defendants have not filed an objection to plaintiff's motion to supplement his April 18, 2005, statement. There being no objection, the court will grant plaintiff's motion to supplement his April 18, 2005, statement as set forth in his motion (Docket #166).

On July 13, 2005, defendants filed a Motion for Summary Judgment (Docket #170), supporting brief (Docket #171) and a "Motion for Leave to File Oversized Principal Brief in Support of Their Motion for Summary Judgment" (Docket #169). By order of December 22, 2005, the court denied defendants' motion for summary judgment, without prejudice, for failing to comply with the notice requirements set forth in Civil Local Rule 56.1, but allowed defendants to renew their motion, without refiling it, by providing plaintiff with the requisite notice. Defendants properly renewed their motion on January 6, 2006.

In their motion, defendants seek leave to file a 33-page brief in support of their motion for summary judgment which is three pages over the 30-page limit for principal briefs set forth in Civil Local Rule 7.1(f). Plaintiff has not filed an objection to the motion. Because there is no objection and in view of the fact that the principal brief exceeds the 30-page limit by a nominal amount, the court will grant defendants' motion for leave to file an oversized brief.

For the foregoing reasons,

IT IS THEREFORE ORDERED that plaintiff's "Motion to Supplement" (Docket #166) is **GRANTED**.

IT IS FURTHER ORDERED that defendants' "Motion to File an Oversized Principal Brief in Support of Their Motion for Summary Judgment" (Docket #169) is **GRANTED**.

Dated at Milwaukee, Wisconsin, this ____ day of February, 2006.

LYNN ADELMAN
District Judge